

DEPOSITION OF ARTHUR ZATARAIN, P.E.

Page 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF LOUISIANA
EASTERN DIVISION

WAGO
VERWALTUNGSGESELLSCHAFT
MBH, WAGO KONTAKTTECHNIK
GMBH & CO.KG

Plaintiffs,
CIVIL ACTION

VERSUS NO. 1:11cv756

JUDGE JAMES S. GWIN
ROCKWELL AUTOMATION, INC.

Defendant.

Videotaped deposition of ARTHUR
ZATARAIN, P.E., Artzat Consulting, LLC, 401
Arlington Drive, Metairie, Louisiana 70001,
taken in the Board Room at the Marriott, 555
Canal Street, New Orleans, Louisiana 70130,
reported on Thursday, February 28th, 2013
beginning at 10:06 a.m.



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EXHIBIT

A

DEPOSITION OF ARTHUR ZATARAIN, P.E.

Page 41

1 For certain applications, you may prefer one
2 type of contact over the other and you may
3 even prefer a third or fourth or fifth type
4 of contact. There's many types of contacts.

5 I don't believe Beer was focusing
6 on the type of contact as much as the fact
7 that there was a contact. You can
8 manufacture it in a certain way and use it
9 in a certain way. Whereas, the Hennemann
10 patent gets into very detailed explanations
11 of how the contacts work in relation to
12 other contacts.

13 EXAMINATION BY MR. CAMPBELL:

14 Q. I understand that. I wasn't
15 trying to ask about the Hennemann
16 Patent just yet. We will get to that. I'm
17 just trying to understand the -- what is the
18 scope and content of the prior art back in
19 1990 when the Beer patent came out and
20 around the same time as the 241 patent.

21 What I want to understand is like
22 within the range of pressure contacts that a
23 designer of an I/O module might use, would
24 he consider spring contacts, knife and fork
25 contacts, and other type of contacts to be



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Page 42

1 an obvious variance?

2 **A.** Yes.

3 **MR. TANCK:**

4 Same objection.

5 **EXAMINATION BY MR. CAMPBELL:**

6 **Q.** Sir, I want to ask you about a
7 couple of your actual opinions.

8 Now, your expert witness report
9 was, I believe, authored about a week ago?

10 **A.** Approximately, yeah. I don't
11 remember the exact day. I think we turned
12 it in -- I don't remember, a Friday or a
13 Monday, I don't remember. It wasn't long
14 ago.

15 **Q.** All right. Do you have the patent
16 in front of you, the 241 patent, Exhibit 1.

17 **A.** (Complying).

18 **Q.** I also want to give you -- maybe
19 this will be easier -- what we are going to
20 mark as Plaintiff's Exhibit No. 3 which is
21 entitled "Joint Claim Construction and
22 Prehearing Statement."

23 (Plaintiff's Exhibit No. 3 marked
24 for identification.)

25 **EXAMINATION BY MR. CAMPBELL:**



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Page 49

1 them together, you would snap a rail in
2 which would require it to be not bent.

3 **Q.** If you have a bar-like flat rail
4 that was bent?

5 **A.** Yeah, I think you could.

6 **Q.** Okay. So what you did from the
7 ordinary definition of a bar-like flat rail
8 is added the requirement of unbent that you
9 see in Figure 3?

10 **A.** Yes.

11 **Q.** And, again, we will agree that the
12 patent doesn't say anywhere that the flat
13 bar-like rail is unbent, correct?

14 MR. TANCK:

15 I object to the form.

16 THE WITNESS:

17 I don't recall if it says that or
18 not.

19 EXAMINATION BY MR. CAMPBELL:

20 **Q.** You just found that limitation in
21 Claim 3 -- I'm sorry, you just found that
22 limitation in Figure 3?

23 **A.** Yes.

24 MR. CAMPBELL:

25 Let's take a short break.



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DEPOSITION OF ARTHUR ZATARAIN, P.E.

Page 138

1 that was posed to you that said: Would it
2 be obvious to replace spring contacts with a
3 knife and fork contact in the Beer
4 reference?

5 Do you recall that question?

6 A. Not specifically, no.

7 Q. Okay. My question is: Would it
8 be obvious to replace the pressure contacts,
9 No. 10 in the patent at issue, the 241
10 patent, would it be obvious to a person
11 with ordinary skill in the art to replace
12 the bus contacts or pressure contacts with
13 knife and fork contacts?

14 A. It would be obvious to put any
15 type of contact, I mean.

16 Q. No, I'm talking about in the 241
17 patent?

18 A. Oh, in the patent itself?

19 Q. In the 241 patent, would it be
20 obvious for a person of ordinary skill in
21 the art to replace the bus contacts or
22 pressure contacts -- let me finish the
23 question -- with knife and fork contacts?

24 A. You were talking about Beer,
25 that's why I got confused.



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